

1 **WO**

2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**  
10

11 Gabriel A Figueroa,  
12 Plaintiff,

13 v.

14 Centurion of Arizona LLC, et al.,  
15 Defendants.  
16

No. CV-20-00064-TUC-RM

**ORDER**

17 Pending before the Court is Plaintiff's First Motion for Extension of Time to Serve  
18 Defendants Switzer, Consolacion, and Shinn. (Doc. 42.) The Court will grant the Motion  
19 as to all three Defendants and will order Defendant Centurion to file under seal the last-  
20 known addresses of Defendants Switzer and Consolacion.

21 On February 6, 2020, Plaintiff filed a pro se Complaint alleging civil rights  
22 violations pursuant to 42 U.S.C. § 1983. (Doc. 1.) On February 12, 2020, the Court  
23 issued a Screening Order directing Defendants Bell, Corizon, Centurion, Consolacion,  
24 Riley, and Shinn to answer the Complaint. (Doc. 7.) Subsequently, Defendants Bell,  
25 Corizon, Centurion, Riley, and Shinn were served. (Docs. 10, 11, 12, 19, 20, 29.) Service  
26 was returned unexecuted as to Defendant Consolacion because Plaintiff had failed to  
27 provide an address where Defendant Consolacion could be located. (Doc. 9.) On April  
28 20, 2020, Plaintiff filed a Motion for Leave to Amend Complaint, seeking to add

1 Defendant Switzer, who had been inadvertently omitted from the original Complaint, as a  
2 named Defendant. (Doc. 13.)

3 **I. Defendant Shinn**

4 Defendant Shinn signed a waiver of service of the summons on June 9, 2020.  
5 (Doc. 29.) Although Defendant Shinn was served after the deadline for completion of  
6 service, the delay was not the fault of Plaintiff.<sup>1</sup> Therefore, the Court will extend the date  
7 for service on Defendant Shinn, *nunc pro tunc* to the date service was executed.

8 **II. Defendant Switzer**

9 On June 16, 2020, this Court granted Plaintiff's Motion for Leave to File  
10 Amended Complaint (Doc. 33) and ordered service of the First Amended Complaint  
11 ("FAC") on Defendant Switzer within 60 days. (Doc. 32.) The time for service of  
12 Defendant Switzer—60 days from the filing of the FAC Service Order—has not yet  
13 expired. (*Id.* at 6.) Plaintiff's Motion for Extension of Time indicates that he does not  
14 have Defendant Switzer's current address and that on June 24, 2020, he sent a Rule 34  
15 discovery request to Defendant Centurion seeking Defendant Switzer's last-known  
16 address. (Doc. 42.) Although the time for serving Defendant Switzer has not yet expired,  
17 the Court finds that Plaintiff's attempts to obtain Defendant Switzer's address will likely  
18 result in a need to extend the time for service. *See* Fed. R. Civ. P. 4(m). Therefore, the  
19 Motion for Extension of Time will be granted as to Defendant Switzer.

20 **III. Defendant Consolacion**

21 As to Defendant Consolacion, Plaintiff requests an extension of time to return the  
22 service packet as well as an extension of time for service. (Doc. 42.) On July 13, 2020—  
23 the same day Plaintiff filed the instant motion—the Court issued an Order to show cause  
24 why Defendant Consolacion should not be dismissed for failure to serve. (Doc. 41.)  
25 Plaintiff has since filed a response to that Order, in which he states that he lacks an  
26 address for Defendant Consolacion and requests assistance in locating an address. (Doc.  
27 43.) Plaintiff further indicates that he has requested Consolacion's address in a discovery

28 <sup>1</sup> The U.S. Marshall has informed the Court that service on Defendant Shinn was delayed  
due to the COVID-19 pandemic.

request to Centurion. (Doc. 42 at 2.) The Court finds that Plaintiff has shown good cause for the requested extension of time for service as to Defendant Consolacion. Fed. R. Civ. P. 4(m) (The “court must extend the time for service for an appropriate period” if the plaintiff shows good cause for the failure to timely effect service.)

#### IV. Addresses of Defendants Consolacion and Switzer

Plaintiff further requests that Defendant Centurion provide the addresses of Defendants Switzer and Consolacion. (Doc. 42 at 2.) In the interest of judicial efficiency, the Court will order Defendant Centurion to file current work addresses for Defendants Consolacion and Switzer. If Consolacion and Switzer are no longer employed by Centurion, Centurion shall file under seal the last-known home addresses of Switzer and Consolacion.<sup>2</sup>

Accordingly,

**IT IS ORDERED** that Plaintiff’s Motion for Extension of Time (Doc. 42) is **granted** as follows:

(1) The Motion is **granted** as to Defendant Shinn. The time for service on Defendant Shinn is extended *nunc pro tunc* to the date of service.

(2) The Motion is **granted** as to Defendant Switzer. Plaintiff shall have **sixty (60) days** from the date of this Order to serve Defendant Switzer.

(3) The Motion is **granted** as to Defendant Consolacion. Plaintiff shall have **sixty (60) days** from the date of this Order to serve Defendant Consolacion.

....

....

....

....

....


---

<sup>2</sup> To the extent that Centurion provides a home address for either Defendant under seal, the Court will direct the Clerk of Court to complete a service packet and deliver the packet to the U.S. Marshall to complete service. To the extent Centurion provides a work address for either Defendant, Plaintiff shall be responsible for completing and returning the service packet.

1 (4) Within **fourteen (14) days** from the date of this Order, Defendant Centurion  
2 shall file current work addresses for Defendants Consolacion and Switzer, or,  
3 if Defendants are no longer employed by Centurion, shall file under seal the  
4 last-known home addresses of Defendants Consolacion and Switzer.

5 Dated this 24th day of July, 2020.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
Honorable Rosemary Márquez  
United States District Judge